

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

<b>KENDALL D. WHITE,</b>	:	
<b>Petitioner,</b>	:	<b>Case No. 1:04-cv-518</b>
<b>-vs-</b>	:	<b>District Judge Susan J. Dlott</b>
		<b>Chief Magistrate Judge Michael R. Merz</b>
<b>DIRECTOR, OHIO DEPARTMENT, OF REHABILITATION AND CORRECTIONS,</b>	:	
<b>Respondent.</b>	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #6), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on July 17, 2006, hereby ADOPTS said Report and Recommendations.

The Clerk shall enter judgment dismissing the Petition with prejudice, finding the Petition barred by the statute of limitations and because the sole ground for relief was procedurally defaulted. Because these conclusions would be reached by any reasonable jurist reviewing the case, Petitioner will be denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

July 31, 2006.

S/Susan J. Dlott \_\_\_\_\_  
Susan J. Dlott  
United States District Judge